

Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 SAJ-01 NIC-01 CIAE-00 DODE-00 PM-03

H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /058 W

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R 041530Z MAR 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 582

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

USMISSION USEC BRUSSELS

C O N F I D E N T I A L USBERLIN 413

E.O. 11652: GDS

TAGS: PGOV, WB, EC

SUBJECT: EC VOCATIONAL CENTER

REFS: A) BONN 3405 B) BONN 3443; C) USEC BRUSSELS 1782

1. WE ARE PRESENTLY DRAFTING AND WOULD EXPECT TO SEND YOU FOR REVIEW SHORTLY BRIEF BK/L INTENDED TO PROTECT ALLIED POSITION WITH RESPECT TO ESTABLISHMENT OF EC VOCATIONAL CENTER. BK/L WOULD NOTE THAT THERE NO ALLIED OBJECTION TO ESTABLISHMENT, THAT OFFICE FALLS WITHIN TERMS OF TREATIES ALREADY EXTENDED TO BERLIN AND CANNOT AFFECT RESERVATIONS EXPRESSED IN PREVIOUS ALLIED LEGISLATION WITH RESPECT TO THOSE TREATIES OR GENERAL ALLIED RIGHTS AND RESPONSIBILITIES INCLUDING THOSE RELATING TO PRIVILEGES AND IMMUNITIES. WE ARE SUGGESTING IT ALSO REQUEST SENAT TO KEEP US INFORMED IN TIMELY FASHION OF DEVELOPMENT OF PROJECT. LATTER POINT WOULD SERVE TO REMIND SENAT THAT WE REQUIRE EARLY CONSULTATION ON ALL ASPECTS OF ANY EC MATTER THAT HAS POLITICAL CONNOTATIONS
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INCLUDING POSSIBLE PROTOCOL BETWEEN FRG AND EC ON VOCATIONAL

CENTER TO WHICH FRENCH HAVE MADE REFERENCE. FRENCH HAVE SUGGESTED THAT THERE IS URGENCY IN HAVING BK/L OUT BEFORE FIRST CONTINGENT OF VOCATIONAL CENTER EMPLOYEES ARRIVES MARCH 6. WE CONSIDER THAT BK/L IS MERELY TO SAFEGUARD OUR POSITION, AND THAT MARCH 6 IS NOT PRESSING DEADLINE. WE ARE ALSO DISINCLINED TO GIVE MUCH WEIGHT TO FRENCH CONCERN OVER WHETHER EC HAS POWER TO ESTABLISH OFFICE WITHOUT SPECIAL AGREEMENT WITH FRG (REF A). THERE IS GENERAL AUTHORITY IN TREATY AND ALLIES HAVE PERMITTED EC PROTOCOL ON PRIVILEGES AND IMMUNITIES TO WHICH REFERENCE IS MADE IN COUNCIL'S REGULATION ON CENTER TO BE EXTENDED TO BERLIN. WE THEREFORE BELIEVE BK/L SHOULD MERELY TAKE NOTE OF NEW DEVELOPMENT AND RECALL OUR RESERVED RIGHTS RATHER THAN EXPRESSLY "AUTHORIZE" THE ACTION. BK/L, WHICH CAN BE REFERRED TO AS NEEDED, WOULD SERVE THIS PURPOSE BETTER THAN BK/O TO BE PUBLISHED IN STATUTE BOOKS.

2. IN SOMEWHAT LONGER TIME FRAME, BK/L TO MAKE MORE PRECISE PROCEDURES BY WHICH EC ACTION WITH POLITICAL SIGNIFICANCE MAY BE TAKEN WITH RESPECT TO BERLIN. BASIC ALLIED RESERVATION ON TREATY OF ROME, BK/L(57)44, SAYS "ALLIED KOMMANDATURA DOES NOT OBJECT TO THE APPLICATION TO BERLIN OF THE ABOVE-NAMED TREATY INsofar AS IS COMPATIBLE WITH THE RIGHTS AND RESPONSIBILITIES OF THE ALLIED AUTHORITIES AS DEFINED IN THE DECLARATION ON BERLIN OF MAY 5, 1955, WHICH, IN THE CASE OF ANY CONFLICT INVOLVING THE FULFILLMENT OF THE OBLIGATIONS SET FORTH IN THAT INSTRUMENT, MUST BE REGARDED AS PARAMOUNT." WE WOULD NOT PROPOSE TO ATTEMPT DELINEATION OF COMPATIBILITY OF EC TREATIES OR EC POLITICAL GOALS WITH STATUS OF BERLIN, BUT BELIEVE IT WOULD BE USEFUL IN LIGHT OF EC'S INCREASING PROMINENCE TO BUILD UPON BK/L(57)44 MORE PRECISE STRUCTURE PROVIDING FOR ALLIED REVIEW OF AND TIMELY CONSULTATIONS BETWEEN ALLIES, GERMANS AND, PERHAPS, EC ON AGREEMENTS WHICH EC NEGOTIATES WITH THIRD STATES (PARTICULARLY NEW CLASS OF AGREEMENTS WITH EASTERN EUROPEAN STATES), CLARIFYING PROCEDURE BY WHICH EC REGULATIONS BECOME EFFECTIVE IN BERLIN (THEY ARE TO TAKE FORCE UPON PUBLICATION IN GESETZUND-VERORDNUNGSBLATT, BUT WE UNDERSTAND THAT PUBLICATION

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OFTEN LAGS MONTHS BEHIND ACTUAL ENTRANCE INTO FORCE) AND, MOST IMPORTANTLY, EMPHASIZING NEED FOR TIMELY CONSULTATION ON SUCH EC MATTERS AS APPEAR TO HAVE POLITICAL SIGNIFICANCE. GEORGE

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